HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ.
& HON'BLE SHRI D.R. DESHMUKH, J.

Misc. Appeal NO. 905 OF 2005

Appellants Claimants	1.	Dhananjay Kumar Sahu S/o Jeetram Sahu, Aged about 12 years, through natural guardian father Jeetram, (Appellant no. 2)
	2.	Jeetram Sahu, S/o Shri Dhiraj, Aged about 32 years.
	3.	Shukhchain Sahu S/o Dhiraj Sahu, Aged about 30 years.
		All are resident of village Koliya, Tehsil – Kurud, Distt. Dhamtari, C.G.
	Vs.	
RESPONDENTS	1.	Vinod Kumar Sahu S/o Ghanaram, Aged about 28 years,
	2.	Ghanaram Sahu, Dead Through his L.R's a. Shantiswrup S/o Late Ghanaram Sahu, Aged about 42 years b. Hemnarayan S/o Late Ghanaram Sahu, Aged about 28 years c. Poona Bai W/o Late Ghanarama Sahu, Aged about 60 years, All are resident of village Koliyari, Tehsil – Kurud, Distt. Dhamtari, C.G.
	3.	The Oriental Insurance Company Limited, Behind Amar Talkies, Dhamtari, C.G.

Present : Mr.Rajesh Pandey , learned counsel for the appellants.

Mr. Ali Asgar, learned counsel for the respondent No.3.

ORAL ORDER

(Passed on 2nd January, 2006)

The following order of the Court was passed by

S.R. NAYAK, CJ.

In this appeal preferred by the dependants of the deceased the only tenable ground urged before us is that the MACT having accepted the age

of the deceased as 60 years, ought to have applied multiplier 8 instead of applying multiplier 5 for assessing loss of dependency. We find force in the above contention. It is not the finding of the Tribunal that the deceased was above 60 years as on the date of accident. As per 2nd Schedule, if the age of the deceased was 55 years but not exceeding 60 years, appropriate multiplier to be applied is 8 and not 5. If we apply multiplier 8, total loss of dependency would come to Rs. 80,000/- (Rs.10,000 x 8). Therefore, we award a sum of Rs. 80,000/- towards loss of dependency as against Rs. 50,000/- awarded by the MACT. We also award a sum of Rs. 20,000/- towards loss of estate. The impugned award shall stand modified in the above terms. In all other respects, the impugned award shall stand unaltered.

(2) The appeal is allowed to the extent indicated above. There shall be no order as to costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Subbu